PF 33/1894

G. R. S. IX-5]

Previous references. 1893-94

192 .

(24)

File No 4473

Serial Nos. 1 — 8

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 8

Major ~~Part~~ B for March 1895

SUBJECT.

Appeal of Chikkanna Gajapa regarding the Sale of certain lands at Soneswara village, Gudibanda Sub-Taluk.

Cld

TKJ

WD 2253—GPB—20,000—14-6-20

Indexed

NS

78

C.S. No. 103 of 93-94.

Appellant - Dhanmani Mahto
Successful party
Plaintiff Respondent

27-2-94.

Application filed for copy of Commissioner note, Petition of Appeal & Order sheet.

Copy ready on 5-3-94

Application for Admission of Appeal filed by the Plaintiff Respondent, praying for setting aside the judgment & decree dated 28.1.94 passed by Sri Ram Chandra Das, Munsif Sadar, Gaya in Title Suit No. 69-7-92 whereby the suit of the plaintiff was dismissed on contest.

Admitted on 3-6-92 6-5-94

On the 16th January last Sri Ram Chandra Das, Munsif Sadar, Gaya passed the judgment & decree dismissing the suit of the plaintiff Respondent on contest. Against the said judgment & decree the plaintiff Respondent has preferred this appeal. The appellant has filed a petition praying for setting aside the judgment & decree passed by the learned Munsif on the ground that the learned Munsif has committed illegality in passing the impugned judgment & decree in as much as

3

by the Civil Court in satisfaction of his decree amount & that if they were sold for arrears of revenue the decree amount would not be realised - the Dy. Amildar then directs the Petitioner to inform him whether a notice had been published by the Civil Court for the sale of the lands, that he would postpone the sale if he was intimated of its date then.; that he should save the lands from sale by paying up the arrears due before the date fixed for their sale; that the Rev. authorities could not be held responsible for the damages he would sustain by the sale of the lands and that his subsequent letters would not be admitted.

18-8-93
no. 82

18-5-93

The Munsiff was also requested by the Dy. Amildar to inform him if the sale notice had been issued for the lands and if so what was the date fixed for the sale and to remit any money the Court might have with it towards the arrears of revenue due. In reply the Munsiff stated that the case was pending owing to claimants preferring their claims to the attached property and that no sale notice had been issued.

23-5-93

The Dy. Amildar further made enquiries about the crop of the lands during Khara & Mandava and was informed that the lands were in banjar during Khara and that 5 Khandis of grain yielded during Mandava were at the request of the Petitioner attached and kept with the Patel.

Vide Dy. Amildar's no 692 of 17/6/93.

The Petitioner having failed to pay up the arrears the lands were caused to be valued by the Panchayatdars. Nos. 52 & 119 were valued at Rs. 25 and 50 respectively. The Sale was held by the Shekdar on the 22nd May 93, but as there were no offers for them as many of the Villagers had been absent at the fair at Veresandra the Shekdar postponed the Sale to the 23rd noting this fact in the Sale list and fetching the Signatures of those that had been present. On the 23rd Survey No 52 was knocked down to Lakshminarasappa for Rs. 31 and Survey No. 119 for Rs. 50 to Chambappa Venkatarayappa.

In the meanwhile Survey Nos. 64 & 82 in Timmanahalli belonging to the Khatè of Chinnamma and which had also been hypothecated to Petitioner were attached for arrears due viz. Rs. 26-9-4 for Maindara. The Dy. Amildar ordered the lands to be sold and issued notice of Sale fixing the date of Sale on the 21st June 93. Survey No 64 was valued by the Panchayatdars at Rs. 25 and No. 82 for Rs. 5. As there were not good offers on the 21st the Sale was postponed to 22nd when the former was sold for Rs. 2 1/4 and the latter for Rs. 4 1/4. But as the Petitioner having paid the amount of arrears due on the 24-6-93 the Amildar submitted the matter to the Sub Division officer on 10-7-93 who cancelled the Sale on 14-7-93.

The Amildar in submitting the papers relating to the Sale of Survey Nos 52 & 119 under dispute to the Sub Division officer, stated that Rs. 69-7-7

valuation
No 52
No 119
Sale commenced on 22 May & continued the next day
No 52 sold for Rs 31 to Lakshminarasappa
No 119 sold for Rs 50 to Chambappa Venkatarayappa
Total Rs 81

Nothing is stated about lands not under dispute

Cause pending the Case be attached for
Reasons read that Plaintiff pleaded
with particulars Defendant that he
had paid Debt pleaded that accordingly
Replied that Settlement made by
the Case stated that the Question
be Reserved.

On Hearing Counsel for Plaintiff 17-5-92 No. 16
Particulars of Account due and agreed
that if the Case was not filed within 5 days
the Action should be dismissed
Case filed. Mr Solicitor-Gen. pleaded
by Counter to pleaded this with
Particulars on File and Case be
and the same is referred to Taxing Master
to tax Costs of Plaintiff to be paid by Defendant
Collision
Case. Plaintiff and Defendant pleaded
respectively as in Case stated

On Hearing Counsel for Plaintiff 23-5-93
pleaded Plaintiff Decision in favour
Defendant Judgment to be entered
accordingly

On Hearing Counsel & Taxing Master
of 13-4-93 pleading Rule of this Court of
22-5-93 considered Report of Taxing Master
of 10-5-93 - Mr Solicitor-Gen. on the
part of the Defendant that the Case stated

Report of Tax. of 22-5-93 Issued on fols

5

were duly filed and forwarded
to Dundrum Court & Bailiff to execute
the warrants were received & levied.

The Sub-Sheriff's office refused to receive
the bills for serving effect.

18/21-6-93. Upon the Sheriff's application
to the Court he decided to serve
the writs. Three applications
were necessarily required the Sale
was conducted, refusals without any
"fancies" the Sale is confirmed.
Sheriff's Receipts. Bailiff's
Certificate. Expenses of Sale account
the Proceedings should be settled & taxed
by Taxing Master.

-7-93 Accordingly the Cases were entered
for placed in the paper for the Taxing
and the Sale account by the Sheriff
Court.

6-7-93 The Solicitors Mr. Sheridan & Mr.
Jones that on the 5th inst. the
Cases were regularly drawn and the Sale
which was duly effected on the 27th
ult. and the Sheriff's Certificate
forwarded to Court. Mr. Sheridan
forwarded the Court an Affidavit sworn
on the 18-5-93 which recalled from
the 13-6-93 stating the Sheriff's
Claim & Expenses, that the Sale
was regularly held and that the Cases
were held for the Applicant that
a Return of the Cases entered for
Taxation with the Sub-Sheriff's

27-6-93

the petitioner as alleged by him in the above petition did not pay him Rs. 72 on account of arrears of Conneswara Lands; that the petitioner requested him to sell the above land from the purchasers and went away saying that he would leave the amount with his friend Arunachalappa of Judicanda; that he then sent his agent to inform the purchasers to part with the Lands to petitioner on receiving the sale amount, but they did not consent which fact was communicated to petn. through Arunachalappa and that the petition presented to him by the petitioner on 29 June preferred only to arrears due to Survey nos. 64 & 82 of Timmanahalli and not to those of Conneswara Village.

3-9-93

Relation of the purchasers for
Sales with stamp papers produced herewith.
Reports connected with the Sale of Lands
of Kolhar Village relating to Petn.
Timmanahalli Survey No. 42.

The Sub Division officer has submitted the above with the marginally noted records to the Dy. Comr. with his observation to the effect that the petitioner was not conversant with the Revenue Rules &c.; that it was his fault in having failed to pay up the arrears; and that the petitioner requested that if the Sale of Conneswara Lands which were bought by petitioner to him for a large sum were confirmed he would incur great loss and that consequently the Sale should be cancelled by receiving from him the arrears due.

11-9-93

On this the Dy. Comr. passed an order to the following effect.

The records were sent through. The Lands have been sold regularly in proceedings held for arrears due. No shortcoming is seen in this. Let readers

Ramiah appeared before me
& stated that Ramaiah Ramadasayyar
with a view to take up these lands for himself
caused them to be knocked down to Chambogue
for a small amount. If it is true that
Ramadasa Iyyar has acquired these lands;
it should be enquired into and reported.

The Dy. Collector as directed by the Sub-Division officer having summoned the Pallt and Chambogue who had been present at the Sale and also the purchasers and Ramaiah Ramadasayyar Examined them and submitted their statements with a report to the effect that suspecting that the Clerk of would give occasion to any thing coming in the proceedings of Sale Ramaiah Ramadasayyar had been sent to Conneevaram with instructions to encourage bidders to bid freely; that the Ramaiah as directed had been present at the Sale, attended to the instructions given and helped the Clerk of; that he was thoroughly convinced that Excepting that the Ramaiah had no concern with the Sale; that the said Ramaiah neither owned any house nor any lands in the Range; and that as he had been present at the Sale there was occasion to think of him otherwise

4-10-93

This was submitted to the Dy. Collr. who directed that the Case should be submitted to him with the appeal petition presented by the Petitioner on 13-10-93 which was referred to him for report.

3-11-93

The grounds of appeal submitted to the Dy. Collr. were:-

(1) That the Sale did not take place in the

that the Petitioner should be permitted
to withdraw his said Petition and pay the Costs
occasioned thereby the Petitioner to the
Court by the Respondent that the Petitioner
did that day personally appear and
his Petition and prayed that the Petition
withdrawn and pay the Costs occasioned
by them - the Petitioner was ordered accordingly 28-6-93

4

18-7-93

The Petitioner Petitioned Court by Counsel
to petition to the Sub Division Officer stating 19-7-93
that the Petitioner personally present and
without the knowledge, the Petitioner was
called into Court - No. 2 of 27-6-93 in
the Matter was not given effect to and
subsequently dismissed.

The Petitioner stated that the above 19-8-93
matter referred to Court at Tiaunaballi
the Sale which was signed the Petitioner;
that the present Petitioner, related to Land
at Lawaimaa which was sold and disposed;
that the Petitioner was duly informed of the
proceedings and the Petitioner was
not present on the 28 June 93 when it appeared
about the Tiaunaballi Court the Petitioner
that the said Petitioner's Petition dismissed
Tiaunaballi Court, regarded of the Court
of Lawaimaa that the Petitioner informed
by the Respondent of the proceedings that
Petitioner, relating to Tiaunaballi
received from the Petitioner they were sent
from regards Petitioner's Petition to the Tiaunaballi
and the Petitioner, refused this; that

22nd June 93, the date fixed for sale, continued on the 23rd.

(2) That the said Adjournment of sale was not noted in the Notice of sale and published -

(3) That the Purchaser has since taken -Leave from future Explanation have simply remarked that the said sale

(4) That Mr Langley that did not go to the sale on the 22nd as there had been the sale, the Auctioneer continued the Bidders for the 23rd.

(5) That the Bidders had agreed on the following for the purchase that Mr Langley -Sayler should have it at £22 that Mr Langley the second day bid £23

(6) That Mr Bidders with a view to defraud him of the said property entered into the Contract with Mr Langley for the purchase and paid £10 deposit -

(7) That Mr Langley requested the Vendor to give him a Conveyance with the Usual Covenants -

(8) That Mr Vendor refused to give the same for the Reason that the Purchaser had agreed to pay the Interest on the Balance of the Purchase Money from the date of the Contract for the Purchase and Conveyance which was 3 months after the Sale and also by Clause 24 -

of the first two was enough to satisfy the arrears other lands were not sold; that as the lands were valued by the Panchayatdars at Rs. 25 and 50 the Collector was competent to hold the sale; that though the sale was confirmed a few days earlier than 30 days yet they were delivered over to the purchasers 32 days after the sale; that the Collector made after the lands were delivered over to the purchasers was ample; that he did not attempt to pay up arrears either within the date of sale or within 30 days after the sale was over; that the Villagers of both factions in the Village had been present during the sale and signed the sale list.

6-12-93 The Sub Divisional Officer in submitting the above papers to the Dy. Conr. observed that as the sale was held on the 23rd May and confirmed on the 2nd June there was an interval of 30 days between the dates of sale and confirmation; that on the 25th June the purchasers were placed in possession of those lands and that the petitioners Vakeel was not present in the interval.

30-1-94 On this the Dy. Commissioner passed the following Effect.

All the records were gone through, and the appellant, who had been present, was also examined. There does not seem to be any drawback in the proceedings except that instead of confirming the sale according to Sec. 185 of the Rev. Code, 30 days after the sale was held it was confirmed within 30 days. It is stated in his order that order was passed confirming the sale on the 2nd June. But in the order of confirmation seems to

have been dated 18th June with 21 underneath it. The copy furnished to the Appellant is dated only 18th June. What is the reason for this difference. You are requested therefore to send for the register in which the said order is entered and to intimate what date is entered therein and also on what date it was despatched

The Sub divisional Officer in reply intimates 30-1-94
the Dy. Comr. that on examining the diary and the Postal delivery book it was found that 18 20
was entered in the diary as the date of the order and it was mentioned in the Postal delivery book that it was despatched from the office on the 21st and that owing to clerical mistake only 18 seemed to have been entered in the copy of the order referred to.

On this the Dy. Commissioner issued an 27-2-94
endorsement on the petition to the following effect:-

It is ~~evident~~ ~~understood~~ that according to Rules proceedings were taken, but as he failed to pay up the amount within the time allowed, the Sale was held and confirmed - As regards the defect that the Sale was confirmed within 30 days after the Sale:- The Sale was held on the 23rd May 93, and the order of Confirmation is dated 18 June having 21 below 18. On asking the Sub-division officer about it he replied that there were references to show that the order of Confirmation was issued on the 21st June and despatched to Taluk on the same date - Though the order was made on the 18th and said was dated 21 and despatched on the same date it has remained to Sale having been confirmed on the 30th day - Still there no petition had been presented disputing the Sale - Consequently there are not sufficient grounds to cancel the Sale which was confirmed on the 30th day. As it is his fault in not having paid the amount within the

(9) That the Sale was conducted with
fairness & the Sale.

(10) That the Sale of such Land was advertised
by publishing for two successive weeks
before that of the Sale in the Weekly
Observer for the County aforesaid

10

11 That the Plaintiff has complied
fully & duly with all the requisites
of the Act of Assembly in such case
made & provided.

12. That the Land so sold by the
Sheriff was purchased by the Plaintiff
& conveyed to him by the Sheriff

Now to wit, 23 of September 1792 & 26-6-92 and 18-5-93

And the Defendant in his proper person
& by his Counsel comes & says that
he ought not to be charged in any plea
of Debt & Damages as the Plaintiff
against him has complained & for
Cause says that the Sale of the Land
by the Sheriff to the Plaintiff was
not fairly conducted & that the Land
was sold for much less than the
value thereof & that the Plaintiff
was present at the Sale & bought the
Land at the request of the Defendant
& for the Defendant & that the
Plaintiff has not paid the Purchase
money to the Sheriff & that the
Sheriff has not paid the same to
the Defendant & that the Plaintiff
has not conveyed the Land to the
Defendant & that the Defendant
is ready & willing & hath always
been ready & willing to pay the
Purchase money to the Plaintiff
& to receive a Conveyance of the
Land from the Plaintiff & this
he is ready to verify wherefore
he prays Judgment if the Plaintiff
ought to have his Action against him
&c.

13

(General Serial No. 32.)

1394

(2)

No. 2997

Name of Petitioner.

Village

Taluk.

District.

Date of Arz. 8 4 94

Date of Receipt. 10 4 94

Date of Disposal.

No. of Enclosures. 2

ABSTRACT.

The sale notice was served on the petitioner also; the petitioner endorsed on the notice that the lands were attached by the Civil Court in satisfaction of his decree amount and that if the lands were to be sold for arrears of Revenue, the decree amount could not be realized. The Deputy Tahsildar then directed the petitioner to inform him whether a notice had been published by the Civil Court for the sale of the lands, and that he would postpone the sale if he were officially informed of the same, that he should save the lands from sale by paying up the arrears due before the date fixed for sale, and that the Revenue authorities could not be held liable for the damages he would sustain by the sale of the lands for arrears.

The Petitioner failed to pay the amount and the sale of the lands took place on the 23rd May 1893. The Sub Division Officer, Chickballapur confirmed the sale on 21st June 1893.

Petitioner then applied to the Deputy Commissioner, Kolar District on the following grounds.

Pet
1861

18-5-94

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2997
dated 10th april 94 received at the
Dewan's Office from Chikka Bommyappa
Chickballapur, appealing against
the order of the Deputy Commissioner
regarding the sale of onos. 51 & 119 of
Lomenahalli, Gudibanda Sub-Tal

is forwarded, together with its two
enclosures, to the Deputy Commissioner
Kolar District for submission
of the Proceedings ~~with a report on~~ stating fully
~~the merits of~~ the case.

The petition and the enclosures
should be returned

By Order,

Asst.

Chief Secretary.

Bangalore, 13/18. May 1894

M.G.C.P, Bangalore.—8-5-94.—1,000.

Yes
16/5

Yes
6.

Asst. V. Rao
16/5
The Progs have not yet been received
Asst
13/6/94

The proceedings have been received, Kindly expedite Reminder

16

That the Lands were sold for a Con-
sideration that the Sale was confirmed
within 30 days from the date of Sale
that the Sale might be cancelled by
reason of error
from Rent
The Deputy Commissioner ordered
that as he failed to pay the amount
due to Government, the Sale was
held and the Sale confirmed. The
Land Division appeal that the
Plea that the Sale was confirmed
within 30 days was groundless
as the Sale confirmed the Sale
was issued on the 21st June 1893,
that the application of payment
within the date of the Sale was the
fault and that time was of
sufficient ground to cancel
the Sale —

The petitioner now appeals —
to this Hon Court against the above
order

The grounds of appeal are
as follows
1st

The Proceedings relating to the case

19

Deputy Commissioner
Kolar District.

Issue

2000

(General Serial No. 30.)

1894

1894
15 JUN 94
Cei 803

From

The Deputy Commissioner
Kolar District.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 9th June 1894.

Despatched 13th June 1894.

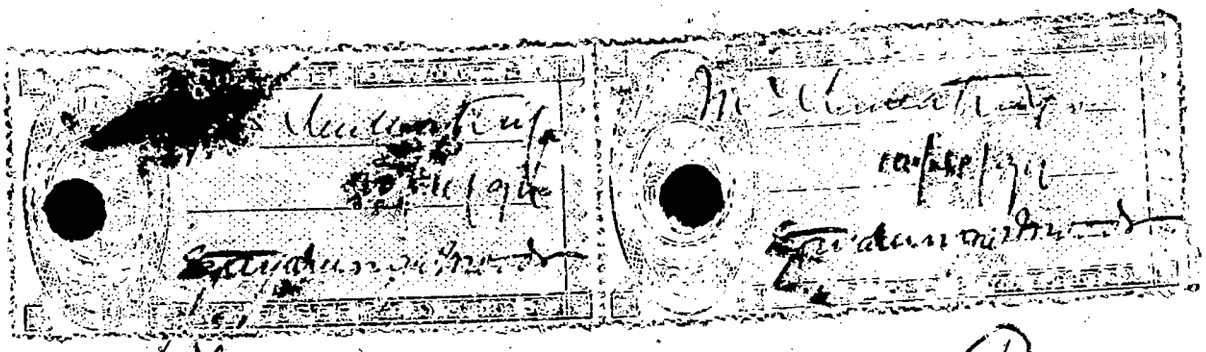
Received

Enclosures No. 34 Records

General No. 4608 } 1893-94.
No. 1099 }

The official memorandum
No: Ret 1861 dated the 13th May 1894 for-
-warding for submission of
proceedings a petition from
Chikka Munisappa of Chick-
-ballapur appealing against
the office order regarding the
sale of Survey Nos: 52 and 119 of
Someshwara village, Gudibanda
Sub-Taluk.

As called for in the above
has the honor to submit here-
as pre-accompanying Record



20

Presented by the Advocate Genl's Office 10/1/94

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REGD. No. 2997 Rec'd Mysore
DATE 10-4-94 Bangalore

A. S. No 103
Civ. Appeal, Petition No 93.94 of 1893-94.

Appellant :— Ramaiah Chicka Moogappa residing at Chicka Ballapur.

The Appellant above named begs to appeal against the order of the Dy Comr of Kolar No. 28.927 dt 7 Feby 1894 for the following among other reasons :—

1. That the Deputy Comr erred in confirming the sale.

2. That the Respondents themselves have purchased land No 52 near Someswara village in the name of Lakshmi Narsappa who is the Respondent of the Respondents.

3. That land No 119 has been purchased by Ramadasa Iyengar the Amanat of the Gudibanda Range Office in the name of Venkatappa & Shamboji.

4. That the Appt petitioned the Inspecting Officer regarding the fraud practised by the Amanat but no opportunity was given to the Appt to prove

his complaint.

5. That the Sheriff who conducted the sale had no power to hold the sale inasmuch as the properties sold were above the value of Rs 50/-.

6. That the sale is void in law inasmuch as it was held on the 23rd of May while it had been fixed for the 22nd.

7. That the sale is void in law inasmuch as it was confirmed on the 18th of June 1895 before the expiry of the 30 days.

8. That the Dy Comr erred in holding that the date of despatch by the 21st of June is the date of the order.

9. That the Subdivisional Officer left entire discretion to the Deputy Amildar even in the matter of the confirmation of the sale.

10. That the Applt is the hypothecatee of the lands to the extent of Rs 1500 Rupees.

11. That the Applt has to receive about Rs 1000 Rupees on the lands sold.

12. That the Applt obtained a decree in the Chicka Ballapur Principal Court in January 1891 on the lands hypothecated and for the lands attached about August 1892.

13. That the defendants put in several false

22

false claims before the Commissioner and for the Civil Court Sales postponed from time to time.

14. That finally the Civil Court Sale was fixed to take place on the 22nd of May 1893.

15. That in the meanwhile the defendants practised a gross fraud on the applt in moving the Revenue Courts to sell the lands.

16. That the Dy Amildar erred in ordering the Sale after giving the Revenue dues to be advertised in the Civil Court Sale proclamation.

17. That the applt was served with a notice of sale on the 13th of May when he immediately wrote to the Dy Amildar intimating to him of the Civil Court Sale.

18. That the Dy Amildars reply of the 18th May was written and by the said date it was to take effect after the date of Sale, and was despatched by him after the date of sale but it reached the applicant only on the 13th of June.

19. That the applt had no knowledge of the sale having taken place.

20. That the applt for the first time learnt of the sale having taken place

on

on the 27th of June

21. That the Appt immediately petitioned the Sub Division officer to cancel the sale.

23

22. That the S.D. Officer promised to do so on condition of the Appt depositing the Money.

23. That the Appt deposited the Money with the Shanbogue under the ~~Shanbo~~ orders of the Dy Asst Collr.

24. That the Appt has sustained considerable loss by the sale of the properties which fetched only about 50 Rupees which is not even 1/10th of the value of the lands sold.

25. That the sale is fraudulent & irregular.

26. That no where it is stated whether the lands are sold for arrears due on the lands themselves or for other lands belonging to the Estate of the defaulter.

27. That the Revenue Authorities have brought about a confusion in the sale of lands near Somwarpet and Somesware Village.

28. That the happotheccation to the Appt was one and the same and that the Civil & the Revenue Attachments were also one and the same.

9.

3/

29. That the Apt has paid about 80 lakhs of rupees Candagim between the 2d of November 1892 and the 31st of March 1894.

30. That the Taluk Authorities refused to give any details of Govt dues although the Apt made several requests for particulars.

For these reasons the Apt prays that the Sale may be set aside.

Bangalore
19th day of Sept 94

Dymock Thomas Jr
Advocate for Apt

2le

(6)

Appeal No. 103 of 1893-94.

Appellant:

Aka Munyappa
of Chikballapur
represented by
D. Venkatarāmanya
Advocate.

Respondents.

1 Lakshminarasappa
2. Venkatarayappa.

L.R. 104-93-5

Decision

Acres	Rs.
2-6.	13-8-0.
2-39	16-0-0

in Somesvara of
Dibanda Sub Taluk

The lands noted in the margin belonging to one Chinnamma were sold for arrears of Revenue in May 1893, and purchased by Respondents for Rs 81-8-0. Appellant who says that the lands had been hypothecated to him prays that the sale may be cancelled Appellant had full notice

of the sale and yet he did not pay the arrears. The Deputy Commissioner refused to cancel the sale as he did not think that there was any material irregularity in the sale. The appeal is against this order.

2 Appellants' contention is that the sale is invalid chiefly because,

(1) it was conducted by the Shekdar, instead of by the Amildar as it should have been; since the estimated value of the lands sold was Rs 75, and not below Rs 50.

(2) the sale was confirmed within 30 days from the date of

Pet. Branch
5/7/94

The case was booked to 2) 5/7.
This may be sent to Mr. T. Vasami
to be put up with the file.

Rec'd
7/7/94

28/7/7

Rec'd 7/7.

L.R. 104-93-4

(General Serial No. 30.)

1894

19332
5 JUL 94
2L 807
OF

From

The Dikshit Secretary
Vicar Mysore

To

The Chief Secretary to the Dewan
of Mysore.

Dated 5th June

Despatched 5-7-94

Received

Enclosures No. 2

General No. 4819

No. 1166

[illegible] Office Memo
No. 1899-1
dated the 5th June
1894

Submitting the proceedings
connected with the
appeal petition of
Ramachaliya Chikka-
annaiah of Chik-
kadapura Nagamangala
Taluk against the order
passed by the Assistant
Commissioner, Kunigal
Sub-Division
Taluk

Sir, I have the honour to forward

forward herewith
the Chickasaw
Nation Affidavit
Nancee Patterson
also Brief
with Exhibits
to the Findings
to be
entered with the
Record
Yours truly
for Deputy Commissioner
Jam

(7)

30

L.R. No. 4-93-b

2997.

28

sold it was held;
and (3) that the price real-
ized was much less
than the lands were
worth.

The estimated value of
the two numbers sold was
Rs 25- and so respectively,
the total value of the two
numbers being Rs 75. The
lands were sold by the
Shekdar, apparently because
the value of each of the
numbers did not exceed
Rs 50. Government consider
that the sale of the lands
by the Shekdar was irregular.
He was not competent to
conduct the sale, as the
aggregate value of the estate
sold was more than Rs 50.

As there is a material irregularity in the opinion of Government, as the lands are stated to be of much greater value than the price they fetched, and as the Respondents have not shown cause why the sale should not be cancelled, Government resolve to cancel the sale and direct that they be resold by a competent authority after due Notification, unless the arrears are paid in time.

(By order)

Chief Secy 29/8/94

Endorsement

The Petitioner is informed that the lands have been ordered to be resold.

(K.O.)

Chief Secy

28/11/8

28

No. 3754 Dt. 28.8.94
Pet: M. 53-94 Sdg.

Copy of Pet. &c. Govt. Order &c. returned to Commr. Nr

Ver: Pauker Ver. 30/8/94

No. 4329 dated 4.8.99
1109

corrected 9.9.99 Lum 18/9/94

Paid in Kalewa
El 11/9

El 11/8

Gen. Serial No. 32.]

'89

No. 1346

Name of Petitioner. Kuttahmanapappa & Venkatasamy

Village.

Taluk.

District.

Date of Petn. 19-11-94

Date of Decree. 19-11-94

Date of Despatch.

No. of Enclosures.

ABSTRACT.

Review application.

Pray for revision of the decision passed by Civil in appeal suit No 103 of 1893-94.

Court fee Rs 2/-

Copy of decree

Stamp sufficient

Petitioned 82 days after date of decree

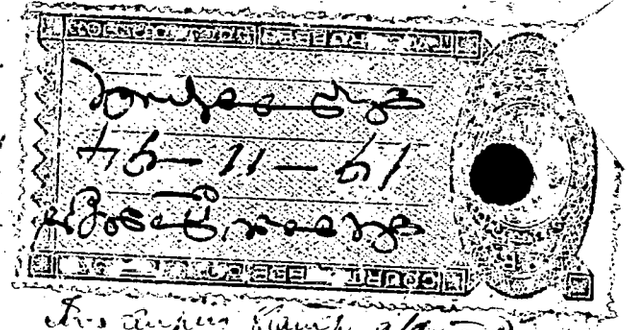
An application for leave

11/29/11

L R 104

The estimated value of the lands according to the Proclamation of sale being Rs 75, the sale by the Collector was unauthorized. It has therefore been properly cancelled.

9/12/95



Rs Rupees Stamp affixed

Before the Government of His Highness the Maharaja of Mysore

Appeal No. 1030/93-4

R. P. No. 6945

Petitioners:
1 Lakshmanaiyappa
2 Venkataraya appa
(Respondents)

Vs Petitioner.
Chikka Munnappa
(Appellant)

The Respondents above named beg to apply to this Honorable Court to Revise the Order passed in the above Case on the following grounds:—

1 The estimated Value of the two Numbers sold was not 25 ₹ 50 Rs, respectively, but the estimated Value is Rs 8 ₹ 10.

2 The estimated Value as given in the List of attachment of the two lands is Rs 8 ₹ 10 respectively

3 The aggregate Value of the estate sold is Rs 18 being below 50 Rupees.

4 The Honorable Members of the Council did not take into Consideration the estimated Value as given in the attachment patti Rs 25 ₹ 50 have not been mentioned as the estimated Value in the attachment patti.

5 There has been irregularity in the Sale.

1346.

(9)

The Sheriff was competent to Conduct the Sale.

8 The property has been in the possession of the Respondents for more than a year & half and they have paid one years Candagem having enjoyed one years produce - & they have spent 50£ for the improvements of the lands.

The Respondents beg leave, to file herewith authenticated Copy of the attachment writ and pray the Government will be pleased to peruse it and to reconsider the Order passed in the Case and to Confirm the Sale.

D'J 17.11.94 Advocate for Petitioners

No. 1346

34

MYSORE DEWAN'S OFFICE, (9)

PETITION DEPARTMENT,

189

Endorsement granted to Lakshmi narayana and Gundu Rao
for preparation in A. S. Nos. 1034, 1035 & 1036 of the file of the Court
before Court presented by Mr. S. Lakshminarayana Iyengar

in reply to their Petition Registered No. 1346 dated 3-1-95

for review
praying for ~~[illegible]~~ application passed in the said appeal
regarding the sale of 5 and 1/2 gunthes in Hage

are
Petitioners informed that the estimated value of the land according
to the proclamation of sale being Rs. 75,
including the buildings thereon
stated, & the highest bid per
cancelled.

L.R. 104-93-6

and
21/1/95 proclamation released.

The estimated value
was Rs 75 but according
to the proclamation
of sale but according
to the estimate of
the Amanuensis

"By Order"

Sgd. 2/3/95

Chief Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

12/2

12/2